

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MATTHEW A. PEQUIGNOT,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1:07-CV-00897-LMB-TCB
)	
SOLO CUP COMPANY,)	
)	
Defendant.)	

**SOLO CUP COMPANY'S MOTION TO DISMISS FOR FAILURE
TO STATE A CLAIM PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Defendant Solo Cup Company (Solo) hereby moves, pursuant to Fed. R. Civ. P. Rule 12(b)(6), to dismiss Plaintiff Matthew A. Pequignot's (Plaintiff) Amended Complaint for False Patent Marking for the reasons set forth in the Memorandum In Support Of Solo Cup Company's Motion To Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) filed concurrently herewith. Solo files this motion in lieu of an answer to Plaintiff's Amended Complaint.

MANDATORY WARNING TO PRO SE PLAINTIFF IN COMPLIANCE WITH LOCAL RULE 7(K) AND THE REQUIREMENTS OF ROSEBORO V. GARRISON, 528 F.2D 309 (4TH CIR. 1975):

(1) The pro se party is entitled to file a response opposing the motion and that any such response must be filed within twenty (20) days of the date on which the dispositive or partially dispositive motion is filed; and

(2) The Court could dismiss the action on the basis of the moving party's papers if the pro se party does not file a response; and

(3) The pro se party must identify all facts stated by the moving party with which the pro se party disagrees and must set forth the pro se party's version of the facts by offering affidavits

(written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and

(4) The pro se party is also entitled to file a legal brief in opposition to the one filed by the moving party.

Respectfully submitted,

Dated: January 29, 2008

/s/ Mary C. Zinsner

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF). And I hereby certify that I will have the document hand delivered to the following non-filing user:

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Plaintiff

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